

AMENDED IN SENATE SEPTEMBER 6, 2013

AMENDED IN SENATE AUGUST 20, 2013

AMENDED IN SENATE JUNE 14, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 346**

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### **Introduced by Assembly Member Stone**

February 13, 2013

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An act to amend Section 1502 of, and to add Section 1502.35 to, the Health and Safety Code, and to amend Sections 319, 361.2, 450, 727, 11400, and 11402 of the Welfare and Institutions Code, relating to community care facilities.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 346, as amended, Stone. Runaway and homeless youth shelters.

Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, as defined, by the State Department of Social Services. A violation of the act is a misdemeanor.

This bill would include within the definition of a community care facility a runaway and homeless youth shelter, as defined. The bill would require the department to license as a group home a runaway and homeless youth shelter that meets specified requirements, including the requirement that shelter staff shall offer short-term, 24-hour nonmedical care and supervision and personal services to up to 25 youths who voluntarily enter the shelter. The bill would provide that a runaway and homeless youth shelter is not an eligible placement option

under specified provisions. The bill would require the department to adopt regulations to implement these provisions and provide that, until those regulations become effective, the department may implement these provisions by publishing information releases or similar instructions from the director.

By expanding the definition of a community care facility, this bill would change the definition of an existing crime, thus creating a state-mandated local program.

Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Existing law requires a child or nonminor dependent to be placed in a specified placement in order to be eligible for AFDC-FC. Under existing law, foster care providers licensed as group homes have rates established by classifying each group home program and applying a standardized schedule of rates.

This bill would exclude a runaway and homeless youth shelter as a group home in which a child or nonminor dependent may be placed for AFDC-FC eligibility purposes. The bill would also prohibit a runaway and homeless youth shelter program from being eligible for a rate pursuant to the above-mentioned provisions.

This bill would incorporate additional changes in Sections 727 and 11400 of the Welfare and Institutions Code proposed by AB 787, to become operative if AB 787 and this bill become effective on or before January 1, ~~2015~~, 2014, and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1502 of the Health and Safety Code is
- 2 amended to read:
- 3 1502. As used in this chapter:
- 4 (a) "Community care facility" means any facility, place, or
- 5 building that is maintained and operated to provide nonmedical

1 residential care, day treatment, adult day care, or foster family  
2 agency services for children, adults, or children and adults,  
3 including, but not limited to, the physically handicapped, mentally  
4 impaired, incompetent persons, and abused or neglected children,  
5 and includes the following:

6 (1) "Residential facility" means any family home, group care  
7 facility, or similar facility determined by the director, for 24-hour  
8 nonmedical care of persons in need of personal services,  
9 supervision, or assistance essential for sustaining the activities of  
10 daily living or for the protection of the individual.

11 (2) "Adult day program" means any community-based facility  
12 or program that provides care to persons 18 years of age or older  
13 in need of personal services, supervision, or assistance essential  
14 for sustaining the activities of daily living or for the protection of  
15 these individuals on less than a 24-hour basis.

16 (3) "Therapeutic day services facility" means any facility that  
17 provides nonmedical care, counseling, educational or vocational  
18 support, or social rehabilitation services on less than a 24-hour  
19 basis to persons under 18 years of age who would otherwise be  
20 placed in foster care or who are returning to families from foster  
21 care. Program standards for these facilities shall be developed by  
22 the department, pursuant to Section 1530, in consultation with  
23 therapeutic day services and foster care providers.

24 (4) "Foster family agency" means any organization engaged in  
25 the recruiting, certifying, and training of, and providing  
26 professional support to, foster parents, or in finding homes or other  
27 places for placement of children for temporary or permanent care  
28 who require that level of care as an alternative to a group home.  
29 Private foster family agencies shall be organized and operated on  
30 a nonprofit basis.

31 (5) "Foster family home" means any residential facility  
32 providing 24-hour care for six or fewer foster children that is  
33 owned, leased, or rented and is the residence of the foster parent  
34 or parents, including their family, in whose care the foster children  
35 have been placed. The placement may be by a public or private  
36 child placement agency or by a court order, or by voluntary  
37 placement by a parent, parents, or guardian. It also means a foster  
38 family home described in Section 1505.2.

39 (6) "Small family home" means any residential facility, in the  
40 licensee's family residence, that provides 24-hour care for six or

1 fewer foster children who have mental disorders or developmental  
2 or physical disabilities and who require special care and supervision  
3 as a result of their disabilities. A small family home may accept  
4 children with special health care needs, pursuant to subdivision  
5 (a) of Section 17710 of the Welfare and Institutions Code. In  
6 addition to placing children with special health care needs, the  
7 department may approve placement of children without special  
8 health care needs, up to the licensed capacity.

9 (7) "Social rehabilitation facility" means any residential facility  
10 that provides social rehabilitation services for no longer than 18  
11 months in a group setting to adults recovering from mental illness  
12 who temporarily need assistance, guidance, or counseling. Program  
13 components shall be subject to program standards pursuant to  
14 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
15 2 of Division 5 of the Welfare and Institutions Code.

16 (8) "Community treatment facility" means any residential  
17 facility that provides mental health treatment services to children  
18 in a group setting and that has the capacity to provide secure  
19 containment. Program components shall be subject to program  
20 standards developed and enforced by the State Department of  
21 Health Care Services pursuant to Section 4094 of the Welfare and  
22 Institutions Code.

23 Nothing in this section shall be construed to prohibit or  
24 discourage placement of persons who have mental or physical  
25 disabilities into any category of community care facility that meets  
26 the needs of the individual placed, if the placement is consistent  
27 with the licensing regulations of the department.

28 (9) "Full-service adoption agency" means any licensed entity  
29 engaged in the business of providing adoption services, that does  
30 all of the following:

31 (A) Assumes care, custody, and control of a child through  
32 relinquishment of the child to the agency or involuntary termination  
33 of parental rights to the child.

34 (B) Assesses the birth parents, prospective adoptive parents, or  
35 child.

36 (C) Places children for adoption.

37 (D) Supervises adoptive placements.

38 Private full-service adoption agencies shall be organized and  
39 operated on a nonprofit basis. As a condition of licensure to provide  
40 intercountry adoption services, a full-service adoption agency shall

1 be accredited and in good standing according to Part 96 of Title  
2 22 of the Code of Federal Regulations, or supervised by an  
3 accredited primary provider, or acting as an exempted provider,  
4 in compliance with Subpart F (commencing with Section 96.29)  
5 of Part 96 of Title 22 of the Code of Federal Regulations.

6 (10) "Noncustodial adoption agency" means any licensed entity  
7 engaged in the business of providing adoption services, that does  
8 all of the following:

9 (A) Assesses the prospective adoptive parents.

10 (B) Cooperatively matches children freed for adoption, who are  
11 under the care, custody, and control of a licensed adoption agency,  
12 for adoption, with assessed and approved adoptive applicants.

13 (C) Cooperatively supervises adoptive placements with a  
14 full-service adoptive agency, but does not disrupt a placement or  
15 remove a child from a placement.

16 Private noncustodial adoption agencies shall be organized and  
17 operated on a nonprofit basis. As a condition of licensure to provide  
18 intercountry adoption services, a noncustodial adoption agency  
19 shall be accredited and in good standing according to Part 96 of  
20 Title 22 of the Code of Federal Regulations, or supervised by an  
21 accredited primary provider, or acting as an exempted provider,  
22 in compliance with Subpart F (commencing with Section 96.29)  
23 of Part 96 of Title 22 of the Code of Federal Regulations.

24 (11) "Transitional shelter care facility" means any group care  
25 facility that provides for 24-hour nonmedical care of persons in  
26 need of personal services, supervision, or assistance essential for  
27 sustaining the activities of daily living or for the protection of the  
28 individual. Program components shall be subject to program  
29 standards developed by the State Department of Social Services  
30 pursuant to Section 1502.3.

31 (12) "Transitional housing placement provider" means an  
32 organization licensed by the department pursuant to Section  
33 1559.110 and Section 16522.1 of the Welfare and Institutions Code  
34 to provide transitional housing to foster children at least 16 years  
35 of age and not more than 18 years of age, and nonminor  
36 dependents, as defined in subdivision (v) of Section 11400 of the  
37 Welfare and Institutions Code, to promote their transition to  
38 adulthood. A transitional housing placement provider shall be  
39 privately operated and organized on a nonprofit basis.

(13) “Group home” means a residential facility that provides 24-hour care and supervision to children, delivered at least in part by staff employed by the licensee in a structured environment. The care and supervision provided by a group home shall be nonmedical, except as otherwise permitted by law.

(14) “Runaway and homeless youth shelter” means a group home licensed by the department to operate a program pursuant to Section 1502.35 to provide voluntary, short-term, shelter and personal services to runaway youth or homeless youth, as defined in paragraph (2) of subdivision (a) of Section 1502.35.

(b) “Department” or “state department” means the State Department of Social Services.

(c) “Director” means the Director of Social Services.

SEC. 2. Section 1502.35 is added to the Health and Safety Code, to read:

1502.35. (a) The department shall license a runaway and homeless youth shelter as a group home pursuant to this chapter. A runaway and homeless youth shelter shall meet all of the following requirements:

(1) The shelter shall offer short-term, 24-hour, nonmedical care and supervision and personal services to youth who voluntarily enter the shelter. As used in this paragraph, “short-term” means no more than 21 consecutive days from the date of admission.

(2) The shelter shall serve homeless youth and runaway youth.

(A) “Homeless youth” means a youth 12 to 17 years of age, inclusive, or 18 years of age if the youth is completing high school or its equivalent, who is in need of services and without a place of shelter.

(B) “Runaway youth” means a youth 12 to 17 years of age, inclusive, or 18 years of age if the youth is completing high school or its equivalent, who absents himself or herself from home or place of legal residence without the permission of his or her family, legal guardian, or foster parent.

(3) The shelter shall have a maximum capacity of 25 youths.

(4) The shelter shall have a ratio of one staff person to every eight youths. For purposes of this paragraph, a volunteer may be counted in the staff-to-youth ratio if the volunteer has satisfied the same training requirements as a paid shelter staff member and other requirements set forth in regulations, and a paid shelter staff member is present during the time the volunteer is on duty.

1 (5) Bunk beds may be permitted in the shelter, but shall not  
2 consist of more than two tiers.

3 (6) The shelter shall be owned and operated on a nonprofit basis  
4 by a private nonprofit corporation, a nonprofit organization, or a  
5 public agency.

6 (b) Shelter staff shall, prior to admission into the shelter,  
7 determine if a youth poses a threat to himself or herself or others  
8 in the shelter. A youth may not be admitted into the shelter if it is  
9 determined that the youth poses such a threat.

10 (c) An assessment shall not be required for admission, but shelter  
11 staff shall assess youth served within 72 hours of admission to the  
12 shelter.

13 (d) Shelter staff shall assist youth served in obtaining emergency  
14 health-related services.

15 (e) The shelter shall establish procedures to assist youth in  
16 securing long-term stability that includes all of the following:

17 (1) Reconnecting the youth with his or her family, legal  
18 guardian, or nonrelative extended family members when possible  
19 to do so.

20 (2) Coordinating with appropriate individuals, local government  
21 agencies, or organizations to help foster youth secure a suitable  
22 foster care placement.

23 (f) The shelter shall ensure all homeless youth and runaway  
24 youth have fair and equal access to services, care, and treatment  
25 provided by the shelter, and are not subjected to discrimination or  
26 harassment on the basis of actual or perceived race, ethnic group  
27 identification, ancestry, national origin, color, religion, sex, sexual  
28 orientation, gender identity, mental or physical disability, or HIV  
29 status.

30 (g) Prior to employment or interaction with youth at a runaway  
31 and homeless youth shelter, all persons specified in subdivision  
32 (b) of Section 1522 shall complete a criminal record review  
33 pursuant to Section 1522 and a Child Abuse Central Index check  
34 pursuant to Section 1522.1.

35 (h) A runaway and homeless youth shelter shall collect and  
36 maintain all of the following information in a monthly report, in  
37 a format specified by the department, and make the report available  
38 to the department upon request:

39 (1) Total number of youth served per month.

40 (2) Age of each youth served.

1 (3) Length of stay of each youth served.

2 (4) Number of times a youth accesses the shelter and services  
3 at the shelter.

4 (i) Notwithstanding Section 1522.43, the department shall not  
5 require a runaway and homeless youth shelter to maintain a needs  
6 and services plan, as defined in Section 84001 of Title 22 of the  
7 California Code of Regulations, for a youth served. Nothing in  
8 this subdivision precludes the department from requiring a runaway  
9 and homeless youth shelter to maintain an assessment, as defined  
10 by the department, for youths served.

11 (j) The department may license a shelter pursuant to this section  
12 if the shelter is operating in two physical locations on or before  
13 January 1, 2013, with only one physical location providing  
14 overnight residential care, and the shelter meets the requirements  
15 of this section. If a shelter described in this subdivision is licensed  
16 pursuant to this section, the department shall permit the shelter to  
17 retain its two physical locations and issue a license for each  
18 physical location.

19 (k) A runaway and homeless youth shelter is not an eligible  
20 placement option pursuant to Sections 319, 361.2, 450, and 727  
21 of the Welfare and Institutions Code.

22 (l) A runaway and homeless youth shelter's program shall not  
23 be eligible for a rate pursuant to Section 11462 of the Welfare and  
24 Institutions Code. This does not preclude a runaway and homeless  
25 youth shelter from receiving reimbursement for providing services  
26 to a foster youth as may be provided at the discretion of a county.

27 (m) On or before December 1, 2014, the department shall adopt  
28 regulations to implement this section, in consultation with  
29 interested parties, including representatives of provider  
30 organizations that serve homeless or runaway youth. The  
31 regulations developed pursuant to this subdivision shall be  
32 contained in the regulations for group homes found in Chapter 5  
33 (commencing with Section 84000) of Division 6 of Title 22 of the  
34 California Code of Regulations.

35 (n) Notwithstanding the Administrative Procedure Act (Chapter  
36 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
37 Title 2 of the Government Code), the department may implement  
38 the applicable provisions of this section by publishing information  
39 releases or similar instructions from the director until the



1 regulations adopted by the department pursuant to subdivision (I)  
2 become effective.

3 SEC. 3. Section 319 of the Welfare and Institutions Code is  
4 amended to read:

5 319. (a) At the initial petition hearing, the court shall examine  
6 the child's parents, guardians, or other persons having relevant  
7 knowledge and hear the relevant evidence as the child, the child's  
8 parents or guardians, the petitioner, or their counsel desires to  
9 present. The court may examine the child, as provided in Section  
10 350.

11 (b) The social worker shall report to the court on the reasons  
12 why the child has been removed from the parent's physical custody,  
13 the need, if any, for continued detention, the available services  
14 and the referral methods to those services that could facilitate the  
15 return of the child to the custody of the child's parents or guardians,  
16 and whether there are any relatives who are able and willing to  
17 take temporary physical custody of the child. The court shall order  
18 the release of the child from custody unless a prima facie showing  
19 has been made that the child comes within Section 300, the court  
20 finds that continuance in the parent's or guardian's home is  
21 contrary to the child's welfare, and any of the following  
22 circumstances exist:

23 (1) There is a substantial danger to the physical health of the  
24 child or the child is suffering severe emotional damage, and there  
25 are no reasonable means by which the child's physical or emotional  
26 health may be protected without removing the child from the  
27 parent's or guardian's physical custody.

28 (2) There is substantial evidence that a parent, guardian, or  
29 custodian of the child is likely to flee the jurisdiction of the court.

30 (3) The child has left a placement in which he or she was placed  
31 by the juvenile court.

32 (4) The child indicates an unwillingness to return home, if the  
33 child has been physically or sexually abused by a person residing  
34 in the home.

35 (c) If the matter is continued pursuant to Section 322 or for any  
36 other reason, the court shall find that the continuance of the child  
37 in the parent's or guardian's home is contrary to the child's welfare  
38 at the initial petition hearing or order the release of the child from  
39 custody.

(d) (1) The court shall also make a determination on the record, referencing the social worker's report or other evidence relied upon, as to whether reasonable efforts were made to prevent or eliminate the need for removal of the child from his or her home, pursuant to subdivision (b) of Section 306, and whether there are available services that would prevent the need for further detention. Services to be considered for purposes of making this determination are case management, counseling, emergency shelter care, emergency in-home caretakers, out-of-home respite care, teaching and demonstrating homemakers, parenting training, transportation, and any other child welfare services authorized by the State Department of Social Services pursuant to Chapter 5 (commencing with Section 16500) of Part 4 of Division 9. The court shall also review whether the social worker has considered whether a referral to public assistance services pursuant to Chapter 2 (commencing with Section 11200) and Chapter 7 (commencing with Section 14000) of Part 3, Chapter 1 (commencing with Section 17000) of Part 5, and Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 would have eliminated the need to take temporary custody of the child or would prevent the need for further detention.

(2) If the child can be returned to the custody of his or her parent or guardian through the provision of those services, the court shall place the child with his or her parent or guardian and order that the services shall be provided. If the child cannot be returned to the physical custody of his or her parent or guardian, the court shall determine if there is a relative who is able and willing to care for the child, and has been assessed pursuant to paragraph (1) of subdivision (d) of Section 309.

(e) If a court orders a child detained, the court shall state the facts on which the decision is based, specify why the initial removal was necessary, reference the social worker's report or other evidence relied upon to make its determination whether continuance in the home of the parent or legal guardian is contrary to the child's welfare, order temporary placement and care of the child to be vested with the county child welfare department pending the hearing held pursuant to Section 355 or further order of the court, and order services to be provided as soon as possible to reunify the child and his or her family if appropriate.

(f) (1) If the child is not released from custody, the court may order that the child shall be placed in the assessed home of a

1 relative, in an emergency shelter or other suitable licensed place,  
2 in a place exempt from licensure designated by the juvenile court,  
3 or in the assessed home of a nonrelative extended family member  
4 as defined in Section 362.7 for a period not to exceed 15 judicial  
5 days. A runaway and homeless youth shelter licensed by the State  
6 Department of Social Services pursuant to Section 1502.35 of the  
7 Health and Safety Code shall not be a placement option pursuant  
8 to this section.

9 (2) As used in this section, “relative” means an adult who is  
10 related to the child by blood, adoption, or affinity within the fifth  
11 degree of kinship, including stepparents, stepsiblings, and all  
12 relatives whose status is preceded by the words “great,”  
13 “great-great,” or “grand,” or the spouse of any of these persons,  
14 even if the marriage was terminated by death or dissolution.  
15 However, only the following relatives shall be given preferential  
16 consideration for placement of the child: an adult who is a  
17 grandparent, aunt, uncle, or sibling of the child.

18 (3) The court shall consider the recommendations of the social  
19 worker based on the assessment pursuant to paragraph (1) of  
20 subdivision (d) of Section 309 of the relative’s home, including  
21 the results of a criminal records check and prior child abuse  
22 allegations, if any, prior to ordering that the child be placed with  
23 a relative. The court shall order the parent to disclose to the social  
24 worker the names, residences, and any known identifying  
25 information of any maternal or paternal relatives of the child. The  
26 social worker shall initiate the assessment pursuant to Section  
27 361.3 of any relative to be considered for continuing placement.

28 (g) (1) At the initial hearing upon the petition filed in  
29 accordance with subdivision (c) of Rule 5.520 of the California  
30 Rules of Court or anytime thereafter up until the time that the  
31 minor is adjudged a dependent child of the court or a finding is  
32 made dismissing the petition, the court may temporarily limit the  
33 right of the parent or guardian to make educational or  
34 developmental services decisions for the child and temporarily  
35 appoint a responsible adult to make educational or developmental  
36 services decisions for the child if all of the following conditions  
37 are found:

38 (A) The parent or guardian is unavailable, unable, or unwilling  
39 to exercise educational or developmental services rights for the  
40 child.

1 (B) The county placing agency has made diligent efforts to  
2 locate and secure the participation of the parent or guardian in  
3 educational or developmental services decisionmaking.

4 (C) The child's educational and developmental services needs  
5 cannot be met without the temporary appointment of a responsible  
6 adult.

7 (2) If the court limits the parent's educational rights under this  
8 subdivision, the court shall determine whether there is a responsible  
9 adult who is a relative, nonrelative extended family member, or  
10 other adult known to the child and who is available and willing to  
11 serve as the child's educational representative before appointing  
12 an educational representative or surrogate who is not known to the  
13 child.

14 (3) If the court cannot identify a responsible adult to make  
15 educational decisions for the child and the appointment of a  
16 surrogate parent, as defined in subdivision (a) of Section 56050  
17 of the Education Code, is not warranted, the court may, with the  
18 input of any interested person, make educational decisions for the  
19 child. If the child is receiving services from a regional center, the  
20 provision of any developmental services related to the court's  
21 decision must be consistent with the child's individual program  
22 plan and pursuant to the provisions of the Lanterman  
23 Developmental Disabilities Services Act (Division 4.5  
24 (commencing with Section 4500)). If the court cannot identify a  
25 responsible adult to make developmental services decisions for  
26 the child, the court may, with the input of any interested person,  
27 make developmental services decisions for the child. If the court  
28 makes educational or developmental services decisions for the  
29 child, the court shall also issue appropriate orders to ensure that  
30 every effort is made to identify a responsible adult to make future  
31 educational or developmental services decisions for the child.

32 (4) Any temporary appointment of a responsible adult and  
33 temporary limitation on the right of the parent or guardian to make  
34 educational or developmental services decisions for the child shall  
35 be specifically addressed in the court order. Any order made under  
36 this section shall expire at the conclusion of the hearing held  
37 pursuant to Section 361 or upon dismissal of the petition. Upon  
38 the entering of disposition orders, any additional needed limitation  
39 on the parent's or guardian's educational or developmental services  
40 rights shall be addressed pursuant to Section 361.

1 (5) Nothing in this section in any way removes the obligation  
2 to appoint surrogate parents for students with disabilities who are  
3 without parental representation in special education procedures as  
4 required by state and federal law, including Section 1415(b)(2) of  
5 Title 20 of the United States Code, Section 56050 of the Education  
6 Code, Section 7579.5 of the Government Code, and Rule 5.650  
7 of the California Rules of Court.

8 (6) If the court appoints a developmental services decisionmaker  
9 pursuant to this section, he or she shall have the authority to access  
10 the child's information and records pursuant to subdivision (u) of  
11 Section 4514 and subdivision (y) of Section 5328, and to act on  
12 the child's behalf for the purposes of the individual program plan  
13 process pursuant to Sections 4646, 4646.5, and 4648 and the fair  
14 hearing process pursuant to Chapter 7 (commencing with Section  
15 4700), and as set forth in the court order.

16 SEC. 4. Section 361.2 of the Welfare and Institutions Code is  
17 amended to read:

18 361.2. (a) When a court orders removal of a child pursuant to  
19 Section 361, the court shall first determine whether there is a parent  
20 of the child, with whom the child was not residing at the time that  
21 the events or conditions arose that brought the child within the  
22 provisions of Section 300, who desires to assume custody of the  
23 child. If that parent requests custody, the court shall place the child  
24 with the parent unless it finds that placement with that parent would  
25 be detrimental to the safety, protection, or physical or emotional  
26 well-being of the child.

27 (b) If the court places the child with that parent it may do any  
28 of the following:

29 (1) Order that the parent become legal and physical custodian  
30 of the child. The court may also provide reasonable visitation by  
31 the noncustodial parent. The court shall then terminate its  
32 jurisdiction over the child. The custody order shall continue unless  
33 modified by a subsequent order of the superior court. The order  
34 of the juvenile court shall be filed in any domestic relation  
35 proceeding between the parents.

36 (2) Order that the parent assume custody subject to the  
37 jurisdiction of the juvenile court and require that a home visit be  
38 conducted within three months. In determining whether to take  
39 the action described in this paragraph, the court shall consider any  
40 concerns that have been raised by the child's current caregiver

1 regarding the parent. After the social worker conducts the home  
2 visit and files his or her report with the court, the court may then  
3 take the action described in paragraph (1), (3), or this paragraph.  
4 However, nothing in this paragraph shall be interpreted to imply  
5 that the court is required to take the action described in this  
6 paragraph as a prerequisite to the court taking the action described  
7 in either paragraph (1) or ~~paragraph (3)~~.

8 (3) Order that the parent assume custody subject to the  
9 supervision of the juvenile court. In that case the court may order  
10 that reunification services be provided to the parent or guardian  
11 from whom the child is being removed, or the court may order that  
12 services be provided solely to the parent who is assuming physical  
13 custody in order to allow that parent to retain later custody without  
14 court supervision, or that services be provided to both parents, in  
15 which case the court shall determine, at review hearings held  
16 pursuant to Section 366, which parent, if either, shall have custody  
17 of the child.

18 (c) The court shall make a finding either in writing or on the  
19 record of the basis for its determination under subdivisions (a) and  
20 (b).

21 (d) Part 6 (commencing with Section 7950) of Division 12 of  
22 the Family Code shall apply to the placement of a child pursuant  
23 to paragraphs (1) and (2) of subdivision (e).

24 (e) When the court orders removal pursuant to Section 361, the  
25 court shall order the care, custody, control, and conduct of the  
26 child to be under the supervision of the social worker who may  
27 place the child in any of the following:

28 (1) The home of a noncustodial parent as described in  
29 subdivision (a), regardless of the parent's immigration status.

30 (2) The approved home of a relative, regardless of the relative's  
31 immigration status.

32 (3) The approved home of a nonrelative extended family  
33 member as defined in Section 362.7.

34 (4) A foster home in which the child has been placed before an  
35 interruption in foster care, if that placement is in the best interest  
36 of the child and space is available.

37 (5) A suitable licensed community care facility, except a  
38 runaway and homeless youth shelter licensed by the State  
39 Department of Social Services pursuant to Section 1502.35 of the  
40 Health and Safety Code.

1 (6) With a foster family agency to be placed in a suitable  
2 licensed foster family home or certified family home which has  
3 been certified by the agency as meeting licensing standards.

4 (7) A home or facility in accordance with the federal Indian  
5 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

6 (8) A child under the age of six years may be placed in a  
7 community care facility licensed as a group home for children, or  
8 a temporary shelter care facility as defined in Section 1530.8 of  
9 the Health and Safety Code, only under any of the following  
10 circumstances:

11 (A) (i) When a case plan indicates that placement is for purposes  
12 of providing short-term, specialized, and intensive treatment to  
13 the child, the case plan specifies the need for, nature of, and  
14 anticipated duration of this treatment, pursuant to paragraph (2)  
15 of subdivision (c) of Section 16501.1, the facility meets the  
16 applicable regulations adopted under Section 1530.8 of the Health  
17 and Safety Code and standards developed pursuant to Section  
18 11467.1, and the deputy director or director of the county child  
19 welfare department or an assistant chief probation officer or chief  
20 probation officer of the county probation department has approved  
21 the case plan.

22 (ii) The short term, specialized, and intensive treatment period  
23 shall not exceed 120 days, unless the county has made progress  
24 toward or is actively working toward implementing the case plan  
25 that identifies the services or supports necessary to transition the  
26 child to a family setting, circumstances beyond the county's control  
27 have prevented the county from obtaining those services or  
28 supports within the timeline documented in the case plan, and the  
29 need for additional time pursuant to the case plan is documented  
30 by the caseworker and approved by a deputy director or director  
31 of the county child welfare department or an assistant chief  
32 probation officer or chief probation officer of the county probation  
33 department.

34 (iii) To the extent that placements pursuant to this paragraph  
35 are extended beyond an initial 120 days, the requirements of  
36 clauses (i) and (ii) shall apply to each extension. In addition, the  
37 deputy director or director of the county child welfare department  
38 or an assistant chief probation officer or chief probation officer of  
39 the county probation department shall approve the continued  
40 placement no less frequently than every 60 days.

(B) When a case plan indicates that placement is for purposes of providing family reunification services. In addition, the facility offers family reunification services that meet the needs of the individual child and his or her family, permits parents to have reasonable access to their children 24 hours a day, encourages extensive parental involvement in meeting the daily needs of their children, and employs staff trained to provide family reunification services. In addition, one of the following conditions exists:

(i) The child's parent is also a ward of the court and resides in the facility.

(ii) The child's parent is participating in a treatment program affiliated with the facility and the child's placement in the facility facilitates the coordination and provision of reunification services.

(iii) Placement in the facility is the only alternative that permits the parent to have daily 24-hour access to the child in accordance with the case plan, to participate fully in meeting all of the daily needs of the child, including feeding and personal hygiene, and to have access to necessary reunification services.

(9) (A) A child who is 6 to 12 years of age, inclusive, may be placed in a community care facility licensed as a group home for children only when a case plan indicates that placement is for purposes of providing short-term, specialized, and intensive treatment for the child, the case plan specifies the need for, nature of, and anticipated duration of this treatment, pursuant to paragraph (2) of subdivision (c) of Section 16501.1, and is approved by the deputy director or director of the county child welfare department or an assistant chief probation officer or chief probation officer of the county probation department.

(B) The short-term, specialized, and intensive treatment period shall not exceed six months, unless the county has made progress or is actively working toward implementing the case plan that identifies the services or supports necessary to transition the child to a family setting, circumstances beyond the county's control have prevented the county from obtaining those services or supports within the timeline documented in the case plan, and the need for additional time pursuant to the case plan is documented by the caseworker and approved by a deputy director or director of the county child welfare department or an assistant chief probation officer or chief probation officer of the county probation department.



1 (C) To the extent that placements pursuant to this paragraph are  
2 extended beyond an initial six months, the requirements of  
3 subparagraph (A) and (B) shall apply to each extension. In addition,  
4 the deputy director or director of the county child welfare  
5 department or an assistant chief probation officer or chief probation  
6 officer of the county probation department shall approve the  
7 continued placement no less frequently than every 60 days.

8 (10) Nothing in this subdivision shall be construed to allow a  
9 social worker to place any dependent child outside the United  
10 States, except as specified in subdivision (f).

11 (f) (1) A child under the supervision of a social worker pursuant  
12 to subdivision (e) shall not be placed outside the United States  
13 prior to a judicial finding that the placement is in the best interest  
14 of the child, except as required by federal law or treaty.

15 (2) The party or agency requesting placement of the child outside  
16 the United States shall carry the burden of proof and must show,  
17 by clear and convincing evidence, that placement outside the  
18 United States is in the best interest of the child.

19 (3) In determining the best interest of the child, the court shall  
20 consider, but not be limited to, the following factors:

21 (A) Placement with a relative.

22 (B) Placement of siblings in the same home.

23 (C) Amount and nature of any contact between the child and  
24 the potential guardian or caretaker.

25 (D) Physical and medical needs of the dependent child.

26 (E) Psychological and emotional needs of the dependent child.

27 (F) Social, cultural, and educational needs of the dependent  
28 child.

29 (G) Specific desires of any dependent child who is 12 years of  
30 age or older.

31 (4) If the court finds that a placement outside the United States  
32 is, by clear and convincing evidence, in the best interest of the  
33 child, the court may issue an order authorizing the social worker  
34 to make a placement outside the United States. A child subject to  
35 this subdivision shall not leave the United States prior to the  
36 issuance of the order described in this paragraph.

37 (5) For purposes of this subdivision, "outside the United States"  
38 shall not include the lands of any federally recognized American  
39 Indian tribe or Alaskan Natives.

1 (6) This subdivision shall not apply to the placement of a  
2 dependent child with a parent pursuant to subdivision (a).

3 (g) (1) If the child is taken from the physical custody of the  
4 child's parent or guardian and unless the child is placed with  
5 relatives, the child shall be placed in foster care in the county of  
6 residence of the child's parent or guardian in order to facilitate  
7 reunification of the family.

8 (2) In the event that there are no appropriate placements  
9 available in the parent's or guardian's county of residence, a  
10 placement may be made in an appropriate place in another county,  
11 preferably a county located adjacent to the parent's or guardian's  
12 community of residence.

13 (3) Nothing in this section shall be interpreted as requiring  
14 multiple disruptions of the child's placement corresponding to  
15 frequent changes of residence by the parent or guardian. In  
16 determining whether the child should be moved, the social worker  
17 shall take into consideration the potential harmful effects of  
18 disrupting the placement of the child and the parent's or guardian's  
19 reason for the move.

20 (4) When it has been determined that it is necessary for a child  
21 to be placed in a county other than the child's parent's or guardian's  
22 county of residence, the specific reason the out-of-county  
23 placement is necessary shall be documented in the child's case  
24 plan. If the reason the out-of-county placement is necessary is the  
25 lack of resources in the sending county to meet the specific needs  
26 of the child, those specific resource needs shall be documented in  
27 the case plan.

28 (5) When it has been determined that a child is to be placed out  
29 of county either in a group home or with a foster family agency  
30 for subsequent placement in a certified foster family home, and  
31 the sending county is to maintain responsibility for supervision  
32 and visitation of the child, the sending county shall develop a plan  
33 of supervision and visitation that specifies the supervision and  
34 visitation activities to be performed and specifies that the sending  
35 county is responsible for performing those activities. In addition  
36 to the plan of supervision and visitation, the sending county shall  
37 document information regarding any known or suspected dangerous  
38 behavior of the child that indicates the child may pose a safety  
39 concern in the receiving county. Upon implementation of the Child  
40 Welfare Services Case Management System, the plan of

1 supervision and visitation, as well as information regarding any  
2 known or suspected dangerous behavior of the child, shall be made  
3 available to the receiving county upon placement of the child in  
4 the receiving county. If placement occurs on a weekend or holiday,  
5 the information shall be made available to the receiving county on  
6 or before the end of the next business day.

7 (6) When it has been determined that a child is to be placed out  
8 of county and the sending county plans that the receiving county  
9 shall be responsible for the supervision and visitation of the child,  
10 the sending county shall develop a formal agreement between the  
11 sending and receiving counties. The formal agreement shall specify  
12 the supervision and visitation to be provided the child, and shall  
13 specify that the receiving county is responsible for providing the  
14 supervision and visitation. The formal agreement shall be approved  
15 and signed by the sending and receiving counties prior to placement  
16 of the child in the receiving county. In addition, upon completion  
17 of the case plan, the sending county shall provide a copy of the  
18 completed case plan to the receiving county. The case plan shall  
19 include information regarding any known or suspected dangerous  
20 behavior of the child that indicates the child may pose a safety  
21 concern to the receiving county.

22 (h) Whenever the social worker must change the placement of  
23 the child and is unable to find a suitable placement within the  
24 county and must place the child outside the county, the placement  
25 shall not be made until he or she has served written notice on the  
26 parent or guardian at least 14 days prior to the placement, unless  
27 the child's health or well-being is endangered by delaying the  
28 action or would be endangered if prior notice were given. The  
29 notice shall state the reasons which require placement outside the  
30 county. The parent or guardian may object to the placement not  
31 later than seven days after receipt of the notice and, upon objection,  
32 the court shall hold a hearing not later than five days after the  
33 objection and prior to the placement. The court shall order  
34 out-of-county placement if it finds that the child's particular needs  
35 require placement outside the county.

36 (i) Where the court has ordered removal of the child from the  
37 physical custody of his or her parents pursuant to Section 361, the  
38 court shall consider whether the family ties and best interest of the  
39 child will be served by granting visitation rights to the child's

1 grandparents. The court shall clearly specify those rights to the  
2 social worker.

3 (j) Where the court has ordered removal of the child from the  
4 physical custody of his or her parents pursuant to Section 361, the  
5 court shall consider whether there are any siblings under the court's  
6 jurisdiction, the nature of the relationship between the child and  
7 his or her siblings, the appropriateness of developing or maintaining  
8 the sibling relationships pursuant to Section 16002, and the impact  
9 of the sibling relationships on the child's placement and planning  
10 for legal permanence.

11 (k) (1) When an agency has placed a child with a relative  
12 caregiver, a nonrelative extended family member, a licensed foster  
13 family home, or a group home, the agency shall ensure placement  
14 of the child in a home that, to the fullest extent possible, best meets  
15 the day-to-day needs of the child. A home that best meets the  
16 day-to-day needs of the child shall satisfy all of the following  
17 criteria:

18 (A) The child's caregiver is able to meet the day-to-day health,  
19 safety, and well-being needs of the child.

20 (B) The child's caregiver is permitted to maintain the least  
21 restrictive and most family-like environment that serves the  
22 day-to-day needs of the child.

23 (C) The child is permitted to engage in reasonable,  
24 age-appropriate day-to-day activities that promote the most  
25 family-like environment for the foster child.

26 (2) The foster child's caregiver shall use a reasonable and  
27 prudent parent standard, as defined in paragraph (2) of subdivision  
28 (a) of Section 362.04, to determine day-to-day activities that are  
29 age-appropriate to meet the needs of the child. Nothing in this  
30 section shall be construed to permit a child's caregiver to permit  
31 the child to engage in day-to-day activities that carry an  
32 unreasonable risk of harm, or subject the child to abuse or neglect.

33 SEC. 5. Section 450 of the Welfare and Institutions Code is  
34 amended to read:

35 450. (a) A minor or nonminor who satisfies all of the following  
36 criteria is within the transition jurisdiction of the juvenile court:

37 (1) (A) The minor is a ward who is older than 17 years and 5  
38 months of age and younger than 18 years of age and in foster care  
39 placement, or the nonminor is a ward in foster care placement who  
40 was a ward subject to an order for foster care placement on the

1 day he or she attained 18 years of age and on and after January 1,  
2 2012, has not attained 19 years of age, or, commencing January  
3 1, 2013, 20 years of age, or, commencing January 1, 2014, 21 years  
4 of age.

5 (B) Notwithstanding subparagraph (A), the nonminor is a ward  
6 who has been receiving aid pursuant to Article 5 (commencing  
7 with Section 11400) of Chapter 2 of Part 3 of Division 9 between  
8 January 1, 2012, and December 31, 2012, and attains 19 years of  
9 age prior to January 1, 2013, or who has been receiving that aid  
10 between January 1, 2013, and December 31, 2013, and attains 20  
11 years of age prior to January 1, 2014, and who may continue to  
12 receive aid under the applicable program, provided that the  
13 nonminor dependent continues to meet all other applicable  
14 eligibility requirements as specified in Section 11403.

15 (2) The ward meets either of the following conditions:

16 (A) The ward was removed from the physical custody of his or  
17 her parents or legal guardian, adjudged to be a ward of the juvenile  
18 court under Section 725, and ordered into foster care placement  
19 as a ward.

20 (B) The ward was removed from the custody of his or her  
21 parents or legal guardian as a dependent of the court with an order  
22 for foster care placement as a dependent in effect at the time the  
23 court adjudged him or her to be a ward of the juvenile court under  
24 Section 725.

25 (3) The rehabilitative goals of the minor or nonminor, as set  
26 forth in the case plan, have been met, and juvenile court jurisdiction  
27 over the minor or nonminor as a ward is no longer required.

28 (4) (A) If the ward is a minor, reunification services have been  
29 terminated; the matter has not been set for a hearing for termination  
30 of parental rights pursuant to Section 727.3 or for the establishment  
31 of guardianship pursuant to Section 728; the return of the child to  
32 the physical custody of the parents or legal guardian would create  
33 a substantial risk of detriment to the child's safety, protection, or  
34 physical or emotional well-being; and the minor has indicated an  
35 intent to sign a mutual agreement, as described in subdivision (u)  
36 of Section 11400, with the responsible agency for placement in a  
37 supervised setting as a nonminor dependent.

38 (B) If the ward is a nonminor, he or she has signed a mutual  
39 agreement, as described in subdivision (u) of Section 11400, with  
40 the responsible agency for placement in a supervised setting as a

1 nonminor dependent or has signed a voluntary reentry agreement,  
2 as described in subdivision (z) of Section 11400 for placement in  
3 a supervised setting as a nonminor dependent. A runaway and  
4 homeless youth shelter licensed by the State Department of Social  
5 Services pursuant to Section 1502.35 of the Health and Safety  
6 Code shall not be a placement option pursuant to this section.

7 (b) A minor who is subject to the court's transition jurisdiction  
8 shall be referred to as a transition dependent.

9 (c) A youth subject to the court's transition jurisdiction who is  
10 18 years of age or older shall be referred to as a nonminor  
11 dependent.

12 SEC. 6. Section 727 of the Welfare and Institutions Code is  
13 amended to read:

14 727. (a) (1) If a minor is adjudged a ward of the court on the  
15 ground that he or she is a person described by Section 601 or 602,  
16 the court may make any reasonable orders for the care, supervision,  
17 custody, conduct, maintenance, and support of the minor, including  
18 medical treatment, subject to further order of the court.

19 (2) In the discretion of the court, a ward may be ordered to be  
20 on probation without supervision of the probation officer. The  
21 court, in so ordering, may impose on the ward any and all  
22 reasonable conditions of behavior as may be appropriate under  
23 this disposition. A minor who has been adjudged a ward of the  
24 court on the basis of the commission of any of the offenses  
25 described in subdivision (b) or paragraph (2) of subdivision (d) of  
26 Section 707, Section 459 of the Penal Code, or subdivision (a) of  
27 Section 11350 of the Health and Safety Code, shall not be eligible  
28 for probation without supervision of the probation officer. A minor  
29 who has been adjudged a ward of the court on the basis of the  
30 commission of any offense involving the sale or possession for  
31 sale of a controlled substance, except misdemeanor offenses  
32 involving marijuana, as specified in Chapter 2 (commencing with  
33 Section 11053) of Division 10 of the Health and Safety Code, or  
34 of an offense in violation of Section 32625 of the Penal Code, shall  
35 be eligible for probation without supervision of the probation  
36 officer only when the court determines that the interests of justice  
37 would best be served and states reasons on the record for that  
38 determination.

1 (3) In all other cases, the court shall order the care, custody, and  
2 control of the minor to be under the supervision of the probation  
3 officer who may place the minor in any of the following:

4 (A) The approved home of a relative or the approved home of  
5 a nonrelative, extended family member, as defined in Section  
6 362.7. If a decision has been made to place the minor in the home  
7 of a relative, the court may authorize the relative to give legal  
8 consent for the minor's medical, surgical, and dental care and  
9 education as if the relative caretaker were the custodial parent of  
10 the minor.

11 (B) A suitable licensed community care facility, except a  
12 runaway and homeless youth shelter licensed by the State  
13 Department of Social Services pursuant to Section 1502.35 of the  
14 Health and Safety Code. A placement of a child in a community  
15 care facility, as specified in Section 1530.8 of the Health and Safety  
16 Code, shall be made in accordance with Section 319.2 or 319.3,  
17 as applicable, and with paragraph (8) or (9) of subdivision (e) of  
18 Section 361.2, as applicable.

19 (C) With a foster family agency to be placed in a suitable  
20 licensed foster family home or certified family home which has  
21 been certified by the agency as meeting licensing standards.

22 (D) (i) Every minor adjudged a ward of the juvenile court who  
23 is residing in a placement as defined in subparagraphs (A) to (C),  
24 inclusive, shall be entitled to participate in age-appropriate  
25 extracurricular, enrichment, and social activities. No state or local  
26 regulation or policy may prevent, or create barriers to, participation  
27 in those activities. Each state and local entity shall ensure that  
28 private agencies that provide foster care services to wards have  
29 policies consistent with this section and that those agencies promote  
30 and protect the ability of wards to participate in age-appropriate  
31 extracurricular, enrichment, and social activities. A group home  
32 administrator, a facility manager, or his or her responsible designee,  
33 and a caregiver, as defined in paragraph (1) of subdivision (a) of  
34 Section 362.04, shall use a reasonable and prudent parent standard,  
35 as defined in paragraph (2) of subdivision (a) of Section 362.04,  
36 in determining whether to give permission for a minor residing in  
37 foster care to participate in extracurricular, enrichment, and social  
38 activities. A group home administrator, a facility manager, or his  
39 or her responsible designee, and a caregiver shall take reasonable

1 steps to determine the appropriateness of the activity taking into  
2 consideration the minor's age, maturity, and developmental level.

3 (ii) A group home administrator or a facility manager, or his or  
4 her responsible designee, is encouraged to consult with social work  
5 or treatment staff members who are most familiar with the minor  
6 at the group home in applying and using the reasonable and prudent  
7 parent standard.

8 (b) (1) To facilitate coordination and cooperation among  
9 agencies, the court may, at any time after a petition has been filed,  
10 after giving notice and an opportunity to be heard, join in the  
11 juvenile court proceedings any agency that the court determines  
12 has failed to meet a legal obligation to provide services to a minor,  
13 for whom a petition has been filed under Section 601 or 602, to a  
14 nonminor, as described in Section 303, or to a nonminor dependent,  
15 as defined in subdivision (v) of Section 11400. In any proceeding  
16 in which an agency is joined, the court shall not impose duties  
17 upon the agency beyond those mandated by law. The purpose of  
18 joinder under this section is to ensure the delivery and coordination  
19 of legally mandated services to the minor. The joinder shall not  
20 be maintained for any other purpose. Nothing in this section shall  
21 prohibit agencies that have received notice of the hearing on joinder  
22 from meeting prior to the hearing to coordinate services.

23 (2) The court has no authority to order services unless it has  
24 been determined through the administrative process of an agency  
25 that has been joined as a party, that the minor, nonminor, or  
26 nonminor dependent is eligible for those services. With respect to  
27 mental health assessment, treatment, and case management services  
28 pursuant to Chapter 26.5 (commencing with Section 7570) of  
29 Division 7 of Title 1 of the Government Code, the court's  
30 determination shall be limited to whether the agency has complied  
31 with that chapter.

32 (3) For the purposes of this subdivision, "agency" means any  
33 governmental agency or any private service provider or individual  
34 that receives federal, state, or local governmental funding or  
35 reimbursement for providing services directly to a child, nonminor,  
36 or nonminor dependent.

37 (c) If a minor has been adjudged a ward of the court on the  
38 ground that he or she is a person described in Section 601 or 602,  
39 and the court finds that notice has been given in accordance with  
40 Section 661, and if the court orders that a parent or guardian shall



1 retain custody of that minor either subject to or without the  
2 supervision of the probation officer, the parent or guardian may  
3 be required to participate with that minor in a counseling or  
4 education program including, but not limited to, parent education  
5 and parenting programs operated by community colleges, school  
6 districts, or other appropriate agencies designated by the court.

7 (d) The juvenile court may direct any reasonable orders to the  
8 parents and guardians of the minor who is the subject of any  
9 proceedings under this chapter as the court deems necessary and  
10 proper to carry out subdivisions (a), (b), and (c) including orders  
11 to appear before a county financial evaluation officer, to ensure  
12 the minor's regular school attendance, and to make reasonable  
13 efforts to obtain appropriate educational services necessary to meet  
14 the needs of the minor.

15 If counseling or other treatment services are ordered for the  
16 minor, the parent, guardian, or foster parent shall be ordered to  
17 participate in those services, unless participation by the parent,  
18 guardian, or foster parent is deemed by the court to be inappropriate  
19 or potentially detrimental to the minor.

20 SEC. 6.5. Section 727 of the Welfare and Institutions Code is  
21 amended to read:

22 727. (a) (1) If a minor or nonminor is adjudged a ward of the  
23 court on the ground that he or she is a person described by Section  
24 601 or 602, the court may make any reasonable orders for the care,  
25 supervision, custody, conduct, maintenance, and support of the  
26 minor or nonminor, including medical treatment, subject to further  
27 order of the court.

28 (2) In the discretion of the court, a ward may be ordered to be  
29 on probation without supervision of the probation officer. The  
30 court, in so ordering, may impose on the ward any and all  
31 reasonable conditions of behavior as may be appropriate under  
32 this disposition. A minor or nonminor who has been adjudged a  
33 ward of the court on the basis of the commission of any of the  
34 offenses described in subdivision (b) or paragraph (2) of  
35 subdivision (d) of Section 707, Section 459 of the Penal Code, or  
36 subdivision (a) of Section 11350 of the Health and Safety Code,  
37 shall not be eligible for probation without supervision of the  
38 probation officer. A minor or nonminor who has been adjudged a  
39 ward of the court on the basis of the commission of any offense  
40 involving the sale or possession for sale of a controlled substance,

1 except misdemeanor offenses involving marijuana, as specified in  
2 Chapter 2 (commencing with Section 11053) of Division 10 of the  
3 Health and Safety Code, or of an offense in violation of Section  
4 32625 of the Penal Code, shall be eligible for probation without  
5 supervision of the probation officer only when the court determines  
6 that the interests of justice would best be served and states reasons  
7 on the record for that determination.

8 (3) In all other cases, the court shall order the care, custody, and  
9 control of the minor or nonminor to be under the supervision of  
10 the probation officer who may place the minor or nonminor in any  
11 of the following:

12 (A) The approved home of a relative or the approved home of  
13 a nonrelative, extended family member, as defined in Section  
14 362.7. If a decision has been made to place the minor in the home  
15 of a relative, the court may authorize the relative to give legal  
16 consent for the minor's medical, surgical, and dental care and  
17 education as if the relative caretaker were the custodial parent of  
18 the minor.

19 (B) A suitable licensed community care facility, except a  
20 runaway and homeless youth shelter licensed by the State  
21 Department of Social Services pursuant to Section 1502.35 of the  
22 Health and Safety Code. ~~A placement of a child in a community~~  
23 ~~care facility, as specified in Section 1530.8 of the Health and Safety~~  
24 ~~Code, shall be made in accordance with Section 319.2 or 319.3,~~  
25 ~~as applicable, and with paragraph (8) or (9) of subdivision (e) of~~  
26 ~~Section 361.2, as applicable.~~

27 (C) With a foster family agency to be placed in a suitable  
28 licensed foster family home or certified family home which has  
29 been certified by the agency as meeting licensing standards.

30 (D) (i) Every minor adjudged a ward of the juvenile court who  
31 is residing in a placement as defined in subparagraphs (A) to (C),  
32 inclusive, shall be entitled to participate in age-appropriate  
33 extracurricular, enrichment, and social activities. No state or local  
34 regulation or policy may prevent, or create barriers to, participation  
35 in those activities. Each state and local entity shall ensure that  
36 private agencies that provide foster care services to wards have  
37 policies consistent with this section and that those agencies promote  
38 and protect the ability of wards to participate in age-appropriate  
39 extracurricular, enrichment, and social activities. A group home  
40 administrator, a facility manager, or his or her responsible designee,

1 and a caregiver, as defined in paragraph (1) of subdivision (a) of  
2 Section 362.04, shall use a reasonable and prudent parent standard,  
3 as defined in paragraph (2) of subdivision (a) of Section 362.04,  
4 in determining whether to give permission for a minor residing in  
5 foster care to participate in extracurricular, enrichment, and social  
6 activities. A group home administrator, a facility manager, or his  
7 or her responsible designee, and a caregiver shall take reasonable  
8 steps to determine the appropriateness of the activity taking into  
9 consideration the minor's age, maturity, and developmental level.

10 (ii) A group home administrator or a facility manager, or his or  
11 her responsible designee, is encouraged to consult with social work  
12 or treatment staff members who are most familiar with the minor  
13 at the group home in applying and using the reasonable and prudent  
14 parent standard.

15 (E) For nonminors, an approved supervised independent living  
16 setting as defined in Section 11400, including a residential housing  
17 unit certified by a licensed transitional housing placement provider.

18 (b) (1) To facilitate coordination and cooperation among  
19 agencies, the court may, at any time after a petition has been filed,  
20 after giving notice and an opportunity to be heard, join in the  
21 juvenile court proceedings any agency that the court determines  
22 has failed to meet a legal obligation to provide services to a minor,  
23 for whom a petition has been filed under Section 601 or 602, to a  
24 nonminor, as described in Section 303, or to a nonminor dependent,  
25 as defined in subdivision (v) of Section 11400. In any proceeding  
26 in which an agency is joined, the court shall not impose duties  
27 upon the agency beyond those mandated by law. The purpose of  
28 joinder under this section is to ensure the delivery and coordination  
29 of legally mandated services to the minor. The joinder shall not  
30 be maintained for any other purpose. Nothing in this section shall  
31 prohibit agencies that have received notice of the hearing on joinder  
32 from meeting prior to the hearing to coordinate services.

33 (2) The court has no authority to order services unless it has  
34 been determined through the administrative process of an agency  
35 that has been joined as a party, that the minor, nonminor, or  
36 nonminor dependent is eligible for those services. With respect to  
37 mental health assessment, treatment, and case management services  
38 pursuant to Chapter 26.5 (commencing with Section 7570) of  
39 Division 7 of Title 1 of the Government Code, the court's

1 determination shall be limited to whether the agency has complied  
2 with that chapter.

3 (3) For the purposes of this subdivision, “agency” means any  
4 governmental agency or any private service provider or individual  
5 that receives federal, state, or local governmental funding or  
6 reimbursement for providing services directly to a child, nonminor,  
7 or nonminor dependent.

8 (c) If a minor has been adjudged a ward of the court on the  
9 ground that he or she is a person described in Section 601 or 602,  
10 and the court finds that notice has been given in accordance with  
11 Section 661, and if the court orders that a parent or guardian shall  
12 retain custody of that minor either subject to or without the  
13 supervision of the probation officer, the parent or guardian may  
14 be required to participate with that minor in a counseling or  
15 education program, including, but not limited to, parent education  
16 and parenting programs operated by community colleges, school  
17 districts, or other appropriate agencies designated by the court.

18 (d) The juvenile court may direct any reasonable orders to the  
19 parents and guardians of the minor who is the subject of any  
20 proceedings under this chapter as the court deems necessary and  
21 proper to carry out subdivisions (a), (b), and (c) including orders  
22 to appear before a county financial evaluation officer, to ensure  
23 the minor’s regular school attendance, and to make reasonable  
24 efforts to obtain appropriate educational services necessary to meet  
25 the needs of the minor.

26 If counseling or other treatment services are ordered for the  
27 minor, the parent, guardian, or foster parent shall be ordered to  
28 participate in those services, unless participation by the parent,  
29 guardian, or foster parent is deemed by the court to be inappropriate  
30 or potentially detrimental to the minor.

31 SEC. 7. Section 11400 of the Welfare and Institutions Code is  
32 amended to read:

33 11400. For the purposes of this article, the following definitions  
34 shall apply:

35 (a) “Aid to Families with Dependent Children-Foster Care  
36 (AFDC-FC)” means the aid provided on behalf of needy children  
37 in foster care under the terms of this division.

38 (b) “Case plan” means a written document that, at a minimum,  
39 specifies the type of home in which the child shall be placed, the  
40 safety of that home, and the appropriateness of that home to meet

1 the child's needs. It shall also include the agency's plan for  
2 ensuring that the child receive proper care and protection in a safe  
3 environment, and shall set forth the appropriate services to be  
4 provided to the child, the child's family, and the foster parents, in  
5 order to meet the child's needs while in foster care, and to reunify  
6 the child with the child's family. In addition, the plan shall specify  
7 the services that will be provided or steps that will be taken to  
8 facilitate an alternate permanent plan if reunification is not possible.

9 (c) "Certified family home" means a family residence certified  
10 by a licensed foster family agency and issued a certificate of  
11 approval by that agency as meeting licensing standards, and used  
12 only by that foster family agency for placements.

13 (d) "Family home" means the family residency of a licensee in  
14 which 24-hour care and supervision are provided for children.

15 (e) "Small family home" means any residential facility, in the  
16 licensee's family residence, which provides 24-hour care for six  
17 or fewer foster children who have mental disorders or  
18 developmental or physical disabilities and who require special care  
19 and supervision as a result of their disabilities.

20 (f) "Foster care" means the 24-hour out-of-home care provided  
21 to children whose own families are unable or unwilling to care for  
22 them, and who are in need of temporary or long-term substitute  
23 parenting.

24 (g) "Foster family agency" means any individual or organization  
25 engaged in the recruiting, certifying, and training of, and providing  
26 professional support to, foster parents, or in finding homes or other  
27 places for placement of children for temporary or permanent care  
28 who require that level of care as an alternative to a group home.  
29 Private foster family agencies shall be organized and operated on  
30 a nonprofit basis.

31 (h) "Group home" means a nondetention privately operated  
32 residential home, organized and operated on a nonprofit basis only,  
33 of any capacity, or a nondetention licensed residential care home  
34 operated by the County of San Mateo with a capacity of up to 25  
35 beds, that accepts children in need of care and supervision in a  
36 group home, as defined by paragraph (13) of subdivision (a) of  
37 Section 1502 of the Health and Safety Code.

38 (i) "Periodic review" means review of a child's status by the  
39 juvenile court or by an administrative review panel, that shall  
40 include a consideration of the safety of the child, a determination

1 of the continuing need for placement in foster care, evaluation of  
2 the goals for the placement and the progress toward meeting these  
3 goals, and development of a target date for the child's return home  
4 or establishment of alternative permanent placement.

5 (j) "Permanency planning hearing" means a hearing conducted  
6 by the juvenile court in which the child's future status, including  
7 whether the child shall be returned home or another permanent  
8 plan shall be developed, is determined.

9 (k) "Placement and care" refers to the responsibility for the  
10 welfare of a child vested in an agency or organization by virtue of  
11 the agency or organization having (1) been delegated care, custody,  
12 and control of a child by the juvenile court, (2) taken responsibility,  
13 pursuant to a relinquishment or termination of parental rights on  
14 a child, (3) taken the responsibility of supervising a child detained  
15 by the juvenile court pursuant to Section 319 or 636, or (4) signed  
16 a voluntary placement agreement for the child's placement; or to  
17 the responsibility designated to an individual by virtue of his or  
18 her being appointed the child's legal guardian.

19 (l) "Preplacement preventive services" means services that are  
20 designed to help children remain with their families by preventing  
21 or eliminating the need for removal.

22 (m) "Relative" means an adult who is related to the child by  
23 blood, adoption, or affinity within the fifth degree of kinship,  
24 including stepparents, stepsiblings, and all relatives whose status  
25 is preceded by the words "great," "great-great," or "grand" or the  
26 spouse of any of these persons even if the marriage was terminated  
27 by death or dissolution.

28 (n) "Nonrelative extended family member" means an adult  
29 caregiver who has an established familial or mentoring relationship  
30 with the child, as described in Section 362.7.

31 (o) "Voluntary placement" means an out-of-home placement  
32 of a child by (1) the county welfare department, probation  
33 department, or Indian tribe that has entered into an agreement  
34 pursuant to Section 10553.1, after the parents or guardians have  
35 requested the assistance of the county welfare department and have  
36 signed a voluntary placement agreement; or (2) the county welfare  
37 department licensed public or private adoption agency, or the  
38 department acting as an adoption agency, after the parents have  
39 requested the assistance of either the county welfare department,  
40 the licensed public or private adoption agency, or the department

1 acting as an adoption agency for the purpose of adoption planning,  
2 and have signed a voluntary placement agreement.

3 (p) “Voluntary placement agreement” means a written agreement  
4 between either the county welfare department, probation  
5 department, or Indian tribe that has entered into an agreement  
6 pursuant to Section 10553.1, licensed public or private adoption  
7 agency, or the department acting as an adoption agency, and the  
8 parents or guardians of a child that specifies, at a minimum, the  
9 following:

10 (1) The legal status of the child.

11 (2) The rights and obligations of the parents or guardians, the  
12 child, and the agency in which the child is placed.

13 (q) “Original placement date” means the most recent date on  
14 which the court detained a child and ordered an agency to be  
15 responsible for supervising the child or the date on which an agency  
16 assumed responsibility for a child due to termination of parental  
17 rights, relinquishment, or voluntary placement.

18 (r) (1) “Transitional housing placement provider” means an  
19 organization licensed by the State Department of Social Services  
20 pursuant to Section 1559.110 of the Health and Safety Code, to  
21 provide transitional housing to foster children at least 16 years of  
22 age and not more than 18 years of age, and nonminor dependents,  
23 as defined in subdivision (v). A transitional housing placement  
24 provider shall be privately operated and organized on a nonprofit  
25 basis.

26 (2) Prior to licensure, a provider shall obtain certification from  
27 the applicable county, in accordance with Section 16522.1.

28 (s) “Transitional Housing Program-Plus” means a provider  
29 certified by the applicable county, in accordance with subdivision  
30 (c) of Section 16522, to provide transitional housing services to  
31 former foster youth who have exited the foster care system on or  
32 after their 18th birthday.

33 (t) “Whole family foster home” means a new or existing family  
34 home, approved relative caregiver or nonrelative extended family  
35 member’s home, the home of a nonrelated legal guardian whose  
36 guardianship was established pursuant to Section 360 or 366.26,  
37 certified family home, or a host family home placement of a  
38 transitional housing placement provider, that provides foster care  
39 for a minor or nonminor dependent parent and his or her child,  
40 and is specifically recruited and trained to assist the minor or

1 nonminor dependent parent in developing the skills necessary to  
2 provide a safe, stable, and permanent home for his or her child.  
3 The child of the minor or nonminor dependent parent need not be  
4 the subject of a petition filed pursuant to Section 300 to qualify  
5 for placement in a whole family foster home.

6 (u) “Mutual agreement” means any of the following:

7 (1) A written voluntary agreement of consent for continued  
8 placement and care in a supervised setting between a minor or, on  
9 and after January 1, 2012, a nonminor dependent, and the county  
10 welfare services or probation department or tribal agency  
11 responsible for the foster care placement, that documents the  
12 nonminor’s continued willingness to remain in supervised  
13 out-of-home placement under the placement and care of the  
14 responsible county, tribe, consortium of tribes, or tribal  
15 organization that has entered into an agreement with the state  
16 pursuant to Section 10553.1, remain under the jurisdiction of the  
17 juvenile court as a nonminor dependent, and report any change of  
18 circumstances relevant to continued eligibility for foster care  
19 payments, and that documents the nonminor’s and social worker’s  
20 or probation officer’s agreement to work together to facilitate  
21 implementation of the mutually developed supervised placement  
22 agreement and transitional independent living case plan.

23 (2) An agreement, as described in paragraph (1), between a  
24 nonminor former dependent or ward in receipt of Kin-GAP  
25 payments under Article 4.5 (commencing with Section 11360) or  
26 Article 4.7 (commencing with Section 11385), and the agency  
27 responsible for the Kin-GAP benefits, provided that the nonminor  
28 former dependent or ward satisfies the conditions described in  
29 Section 11403.01, or one or more of the conditions described in  
30 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
31 11403. For purposes of this paragraph and paragraph (3),  
32 “nonminor former dependent or ward” has the same meaning as  
33 described in subdivision (aa).

34 (3) An agreement, as described in paragraph (1), between a  
35 nonminor former dependent or ward in receipt of AFDC-FC  
36 payments under subdivision (e) or (f) of Section 11405 and the  
37 agency responsible for the AFDC-FC benefits, provided that the  
38 nonminor former dependent or ward described in subdivision (e)  
39 of Section 11405 satisfies one or more of the conditions described  
40 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section



1 11403, and the nonminor described in subdivision (f) of Section  
2 11405 satisfies the secondary school or equivalent training or  
3 certificate program conditions described in that subdivision.

4 (v) “Nonminor dependent” means, on and after January 1, 2012,  
5 a foster child, as described in Section 675(8)(B) of Title 42 of the  
6 United States Code under the federal Social Security Act who is  
7 a current dependent child or ward of the juvenile court, or a  
8 nonminor under the transition jurisdiction of the juvenile court, as  
9 described in Section 450, who satisfies all of the following criteria:

10 (1) He or she has attained 18 years of age while under an order  
11 of foster care placement by the juvenile court, and is not more than  
12 19 years of age on or after January 1, 2012, not more than 20 years  
13 of age on or after January 1, 2013, or not more than 21 years of  
14 age on or after January 1, 2014, and as described in Section  
15 10103.5.

16 (2) He or she is in foster care under the placement and care  
17 responsibility of the county welfare department, county probation  
18 department, Indian tribe, consortium of tribes, or tribal organization  
19 that entered into an agreement pursuant to Section 10553.1.

20 (3) He or she is participating in a transitional independent living  
21 case plan pursuant to Section 475(8) of the federal Social Security  
22 Act (42 U.S.C. Sec. 675(8)), as contained in the federal Fostering  
23 Connections to Success and Increasing Adoptions Act of 2008  
24 (Public Law 110-351), as described in Section 11403.

25 (w) “Supervised independent living placement” means, on and  
26 after January 1, 2012, an independent supervised setting, as  
27 specified in a nonminor dependent’s transitional independent living  
28 case plan, in which the youth is living independently, pursuant to  
29 Section 472(c)(2) of the Social Security Act (42 U.S.C. Sec.  
30 672(c)(2)).

31 (x) “Supervised independent living setting,” pursuant to Section  
32 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.  
33 672(c)(2)), includes both a supervised independent living  
34 placement, as defined in subdivision (w), and a residential housing  
35 unit certified by the transitional housing placement provider  
36 operating a Transitional Housing Placement-Plus Foster Care  
37 program, as described in paragraph (2) of subdivision (a) of Section  
38 16522.1.

39 (y) “Transitional independent living case plan” means, on or  
40 after January 1, 2012, the nonminor dependent’s case plan, updated

1 every six months, that describes the goals and objectives of how  
2 the nonminor will make progress in the transition to living  
3 independently and assume incremental responsibility for adult  
4 decisionmaking, the collaborative efforts between the nonminor  
5 and the social worker, probation officer, or Indian tribal placing  
6 entity and the supportive services as described in the transitional  
7 independent living plan (TILP) to ensure active and meaningful  
8 participation in one or more of the eligibility criteria described in  
9 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
10 11403, the nonminor's appropriate supervised placement setting,  
11 and the nonminor's permanent plan for transition to living  
12 independently, which includes maintaining or obtaining permanent  
13 connections to caring and committed adults, as set forth in  
14 paragraph (16) of subdivision (f) of Section 16501.1.

15 (z) "Voluntary reentry agreement" means a written voluntary  
16 agreement between a former dependent child or ward or a former  
17 nonminor dependent, who has had juvenile court jurisdiction  
18 terminated pursuant to Section 391, 452, or 607.2, and the county  
19 welfare or probation department or tribal placing entity that  
20 documents the nonminor's desire and willingness to reenter foster  
21 care, to be placed in a supervised setting under the placement and  
22 care responsibility of the placing agency, the nonminor's desire,  
23 willingness, and ability to immediately participate in one or more  
24 of the conditions of paragraphs (1) to (5), inclusive, of subdivision  
25 (b) of Section 11403, the nonminor's agreement to work  
26 collaboratively with the placing agency to develop his or her  
27 transitional independent living case plan within 60 days of reentry,  
28 the nonminor's agreement to report any changes of circumstances  
29 relevant to continued eligibility for foster care payments, and (1)  
30 the nonminor's agreement to participate in the filing of a petition  
31 for juvenile court jurisdiction as a nonminor dependent pursuant  
32 to subdivision (e) of Section 388 within 15 judicial days of the  
33 signing of the agreement and the placing agency's efforts and  
34 supportive services to assist the nonminor in the reentry process,  
35 or (2) if the nonminor meets the definition of a nonminor former  
36 dependent or ward, as described in subdivision (aa), the nonminor's  
37 agreement to return to the care and support of his or her former  
38 juvenile court-appointed guardian and meet the eligibility criteria  
39 for AFDC-FC pursuant to subdivision (e) of Section 11405.

1 (aa) “Nonminor former dependent or ward” means, on and after  
2 January 1, 2012, either of the following:

3 (1) A nonminor who reached 18 years of age while subject to  
4 an order for foster care placement, and for whom dependency,  
5 delinquency, or transition jurisdiction has been terminated, and  
6 who is still under the general jurisdiction of the court.

7 (2) A nonminor who is over 18 years of age and, while a minor,  
8 was a dependent child or ward of the juvenile court when the  
9 guardianship was established pursuant to Section 360 or 366.26,  
10 or subdivision (d), of Section 728 and the juvenile court  
11 dependency or wardship was dismissed following the establishment  
12 of the guardianship.

13 (ab) “Runaway and homeless youth shelter” means a type of  
14 group home, as defined in paragraph (14) of subdivision (a) of  
15 Section 1502 of the Health and Safety Code, that is not an eligible  
16 placement option under Sections 319, 361.2, 450, and 727, and  
17 that is not eligible for AFDC-FC funding pursuant to subdivision  
18 (c) of Section 11402 or Section 11462.

19 SEC. 7.5. Section 11400 of the Welfare and Institutions Code  
20 is amended to read:

21 11400. For the purposes of this article, the following definitions  
22 shall apply:

23 (a) “Aid to Families with Dependent Children-Foster Care  
24 (AFDC-FC)” means the aid provided on behalf of needy children  
25 in foster care under the terms of this division.

26 (b) “Case plan” means a written document that, at a minimum,  
27 specifies the type of home in which the child shall be placed, the  
28 safety of that home, and the appropriateness of that home to meet  
29 the child’s needs. It shall also include the agency’s plan for  
30 ensuring that the child receive proper care and protection in a safe  
31 environment, and shall set forth the appropriate services to be  
32 provided to the child, the child’s family, and the foster parents, in  
33 order to meet the child’s needs while in foster care, and to reunify  
34 the child with the child’s family. In addition, the plan shall specify  
35 the services that will be provided or steps that will be taken to  
36 facilitate an alternate permanent plan if reunification is not possible.

37 (c) “Certified family home” means a family residence certified  
38 by a licensed foster family agency and issued a certificate of  
39 approval by that agency as meeting licensing standards, and used  
40 only by that foster family agency for placements.

(d) “Family home” means the family residence of a licensee in which 24-hour care and supervision are provided for children.

(e) “Small family home” means any residential facility, in the licensee’s family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities.

(f) “Foster care” means the 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them, and who are in need of temporary or long-term substitute parenting.

(g) “Foster family agency” means any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

(h) “Group home” means a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, or a nondetention licensed residential care home operated by the County of San Mateo with a capacity of up to 25 beds, that accepts children in need of care and supervision in a group home, as defined by paragraph (13) of subdivision (a) of Section 1502 of the Health and Safety Code.

(i) “Periodic review” means review of a child’s status by the juvenile court or by an administrative review panel, that shall include a consideration of the safety of the child, a determination of the continuing need for placement in foster care, evaluation of the goals for the placement and the progress toward meeting these goals, and development of a target date for the child’s return home or establishment of alternative permanent placement.

(j) “Permanency planning hearing” means a hearing conducted by the juvenile court in which the child’s future status, including whether the child shall be returned home or another permanent plan shall be developed, is determined.

(k) “Placement and care” refers to the responsibility for the welfare of a child vested in an agency or organization by virtue of the agency or organization having (1) been delegated care, custody, and control of a child by the juvenile court, (2) taken responsibility,

1 pursuant to a relinquishment or termination of parental rights on  
2 a child, (3) taken the responsibility of supervising a child detained  
3 by the juvenile court pursuant to Section 319 or 636, or (4) signed  
4 a voluntary placement agreement for the child's placement; or to  
5 the responsibility designated to an individual by virtue of his or  
6 her being appointed the child's legal guardian.

7 (l) "Preplacement preventive services" means services that are  
8 designed to help children remain with their families by preventing  
9 or eliminating the need for removal.

10 (m) "Relative" means an adult who is related to the child by  
11 blood, adoption, or affinity within the fifth degree of kinship,  
12 including stepparents, stepsiblings, and all relatives whose status  
13 is preceded by the words "great," "great-great," or "grand" or the  
14 spouse of any of these persons even if the marriage was terminated  
15 by death or dissolution.

16 (n) "Nonrelative extended family member" means an adult  
17 caregiver who has an established familial or mentoring relationship  
18 with the child, as described in Section 362.7.

19 (o) "Voluntary placement" means an out-of-home placement  
20 of a child by (1) the county welfare department, probation  
21 department, or Indian tribe that has entered into an agreement  
22 pursuant to Section 10553.1, after the parents or guardians have  
23 requested the assistance of the county welfare department and have  
24 signed a voluntary placement agreement; or (2) the county welfare  
25 department licensed public or private adoption agency, or the  
26 department acting as an adoption agency, after the parents have  
27 requested the assistance of either the county welfare department,  
28 the licensed public or private adoption agency, or the department  
29 acting as an adoption agency for the purpose of adoption planning,  
30 and have signed a voluntary placement agreement.

31 (p) "Voluntary placement agreement" means a written agreement  
32 between either the county welfare department, probation  
33 department, or Indian tribe that has entered into an agreement  
34 pursuant to Section 10553.1, licensed public or private adoption  
35 agency, or the department acting as an adoption agency, and the  
36 parents or guardians of a child that specifies, at a minimum, the  
37 following:

38 (1) The legal status of the child.

39 (2) The rights and obligations of the parents or guardians, the  
40 child, and the agency in which the child is placed.

1 (q) “Original placement date” means the most recent date on  
2 which the court detained a child and ordered an agency to be  
3 responsible for supervising the child or the date on which an agency  
4 assumed responsibility for a child due to termination of parental  
5 rights, relinquishment, or voluntary placement.

6 (r) (1) “Transitional housing placement provider” means an  
7 organization licensed by the State Department of Social Services  
8 pursuant to Section 1559.110 of the Health and Safety Code, to  
9 provide transitional housing to foster children at least 16 years of  
10 age and not more than 18 years of age, and nonminor dependents,  
11 as defined in subdivision (v). A transitional housing placement  
12 provider shall be privately operated and organized on a nonprofit  
13 basis.

14 (2) Prior to licensure, a provider shall obtain certification from  
15 the applicable county, in accordance with Section 16522.1.

16 (s) “Transitional Housing Program-Plus” means a provider  
17 certified by the applicable county, in accordance with subdivision  
18 (c) of Section 16522, to provide transitional housing services to  
19 former foster youth who have exited the foster care system on or  
20 after their 18th birthday.

21 (t) “Whole family foster home” means a new or existing family  
22 home, approved relative caregiver or nonrelative extended family  
23 member’s home, the home of a nonrelated legal guardian whose  
24 guardianship was established pursuant to Section 360 or 366.26,  
25 certified family home, or a host family home placement of a  
26 transitional housing placement provider, that provides foster care  
27 for a minor or nonminor dependent parent and his or her child,  
28 and is specifically recruited and trained to assist the minor or  
29 nonminor dependent parent in developing the skills necessary to  
30 provide a safe, stable, and permanent home for his or her child.  
31 The child of the minor or nonminor dependent parent need not be  
32 the subject of a petition filed pursuant to Section 300 to qualify  
33 for placement in a whole family foster home.

34 (u) “Mutual agreement” means any of the following:

35 (1) A written voluntary agreement of consent for continued  
36 placement and care in a supervised setting between a minor or, on  
37 and after January 1, 2012, a nonminor dependent, and the county  
38 welfare services or probation department or tribal agency  
39 responsible for the foster care placement, that documents the  
40 nonminor’s continued willingness to remain in supervised

1 out-of-home placement under the placement and care of the  
2 responsible county, tribe, consortium of tribes, or tribal  
3 organization that has entered into an agreement with the state  
4 pursuant to Section 10553.1, remain under the jurisdiction of the  
5 juvenile court as a nonminor dependent, and report any change of  
6 circumstances relevant to continued eligibility for foster care  
7 payments, and that documents the nonminor's and social worker's  
8 or probation officer's agreement to work together to facilitate  
9 implementation of the mutually developed supervised placement  
10 agreement and transitional independent living case plan.

11 (2) An agreement, as described in paragraph (1), between a  
12 nonminor former dependent or ward in receipt of Kin-GAP  
13 payments under Article 4.5 (commencing with Section 11360) or  
14 Article 4.7 (commencing with Section 11385), and the agency  
15 responsible for the Kin-GAP benefits, provided that the nonminor  
16 former dependent or ward satisfies the conditions described in  
17 Section 11403.01, or one or more of the conditions described in  
18 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
19 11403. For purposes of this paragraph and paragraph (3),  
20 "nonminor former dependent or ward" has the same meaning as  
21 described in subdivision (aa).

22 (3) An agreement, as described in paragraph (1), between a  
23 nonminor former dependent or ward in receipt of AFDC-FC  
24 payments under subdivision (e) or (f) of Section 11405 and the  
25 agency responsible for the AFDC-FC benefits, provided that the  
26 nonminor former dependent or ward described in subdivision (e)  
27 of Section 11405 satisfies one or more of the conditions described  
28 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
29 11403, and the nonminor described in subdivision (f) of Section  
30 11405 satisfies the secondary school or equivalent training or  
31 certificate program conditions described in that subdivision.

32 (v) "Nonminor dependent" means, on and after January 1, 2012,  
33 a foster child, as described in Section 675(8)(B) of Title 42 of the  
34 United States Code under the federal Social Security Act who is  
35 a current dependent child or ward of the juvenile court, or a  
36 nonminor under the transition jurisdiction of the juvenile court, as  
37 described in Section 450, who satisfies all of the following criteria:

38 (1) He or she has attained 18 years of age while under an order  
39 of foster care placement by the juvenile court, and is not more than  
40 19 years of age on or after January 1, 2012, not more than 20 years

1 of age on or after January 1, 2013, or not more than 21 years of  
2 age on or after January 1, 2014, and as described in Section  
3 10103.5.

4 (2) He or she is in foster care under the placement and care  
5 responsibility of the county welfare department, county probation  
6 department, Indian tribe, consortium of tribes, or tribal organization  
7 that entered into an agreement pursuant to Section 10553.1.

8 (3) He or she has a transitional independent living case plan  
9 pursuant to Section 475(8) of the federal Social Security Act (42  
10 U.S.C. Sec. 675(8)), as contained in the federal Fostering  
11 Connections to Success and Increasing Adoptions Act of 2008  
12 (Public Law 110-351), as described in Section 11403.

13 (w) “Supervised independent living placement” means, on and  
14 after January 1, 2012, an independent supervised setting, as  
15 specified in a nonminor dependent’s transitional independent living  
16 case plan, in which the youth is living independently, pursuant to  
17 Section 472(c)(2) of the Social Security Act (42 U.S.C. Sec.  
18 672(c)(2)).

19 (x) “Supervised independent living setting,” pursuant to Section  
20 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.  
21 672(c)(2)), includes both a supervised independent living  
22 placement, as defined in subdivision (w), and a residential housing  
23 unit certified by the transitional housing placement provider  
24 operating a Transitional Housing Placement-Plus Foster Care  
25 program, as described in paragraph (2) of subdivision (a) of Section  
26 16522.1.

27 (y) “Transitional independent living case plan” means, on or  
28 after January 1, 2012, a child’s case plan submitted for the last  
29 review hearing held before he or she reaches 18 years of age or  
30 the nonminor dependent’s case plan, updated every six months,  
31 that describes the goals and objectives of how the nonminor will  
32 make progress in the transition to living independently and assume  
33 incremental responsibility for adult decisionmaking, the  
34 collaborative efforts between the nonminor and the social worker,  
35 probation officer, or Indian tribal placing entity and the supportive  
36 services as described in the transitional independent living plan  
37 (TILP) to ensure active and meaningful participation in one or  
38 more of the eligibility criteria described in paragraphs (1) to (5),  
39 inclusive, of subdivision (b) of Section 11403, the nonminor’s  
40 appropriate supervised placement setting, and the nonminor’s



1 permanent plan for transition to living independently, which  
2 includes maintaining or obtaining permanent connections to caring  
3 and committed adults, as set forth in paragraph (16) of subdivision  
4 (f) of Section 16501.1.

5 (z) “Voluntary reentry agreement” means a written voluntary  
6 agreement between a former dependent child or ward or a former  
7 nonminor dependent, who has had juvenile court jurisdiction  
8 terminated pursuant to Section 391, 452, or 607.2, and the county  
9 welfare or probation department or tribal placing entity that  
10 documents the nonminor’s desire and willingness to reenter foster  
11 care, to be placed in a supervised setting under the placement and  
12 care responsibility of the placing agency, the nonminor’s desire,  
13 willingness, and ability to immediately participate in one or more  
14 of the conditions of paragraphs (1) to (5), inclusive, of subdivision  
15 (b) of Section 11403, the nonminor’s agreement to work  
16 collaboratively with the placing agency to develop his or her  
17 transitional independent living case plan within 60 days of reentry,  
18 the nonminor’s agreement to report any changes of circumstances  
19 relevant to continued eligibility for foster care payments, and (1)  
20 the nonminor’s agreement to participate in the filing of a petition  
21 for juvenile court jurisdiction as a nonminor dependent pursuant  
22 to subdivision (e) of Section 388 within 15 judicial days of the  
23 signing of the agreement and the placing agency’s efforts and  
24 supportive services to assist the nonminor in the reentry process,  
25 or (2) if the nonminor meets the definition of a nonminor former  
26 dependent or ward, as described in subdivision (aa), the nonminor’s  
27 agreement to return to the care and support of his or her former  
28 juvenile court-appointed guardian and meet the eligibility criteria  
29 for AFDC-FC pursuant to subdivision (e) of Section 11405.

30 (aa) “Nonminor former dependent or ward” means, on and after  
31 January 1, 2012, either of the following:

32 (1) A nonminor who reached 18 years of age while subject to  
33 an order for foster care placement, and for whom dependency,  
34 delinquency, or transition jurisdiction has been terminated, and  
35 who is still under the general jurisdiction of the court.

36 (2) A nonminor who is over 18 years of age and, while a minor,  
37 was a dependent child or ward of the juvenile court when the  
38 guardianship was established pursuant to Section 360 or 366.26,  
39 or subdivision (d), of Section 728 and the juvenile court

1 dependency or wardship was dismissed following the establishment  
2 of the guardianship.

3 (ab) “Runaway and homeless youth shelter” means a type of  
4 group home, as defined in paragraph (14) of subdivision (a) of  
5 Section 1502 of the Health and Safety Code, that is not an eligible  
6 placement option under Sections 319, 361.2, 450, and 727, and  
7 that is not eligible for AFDC-FC funding pursuant to subdivision  
8 (c) of Section 11402 or Section 11462.

9 (ac) “Transition dependent” is a minor between 17 years and  
10 five months and 18 years of age who is subject to the court’s  
11 transition jurisdiction under Section 450.

12 SEC. 8. Section 11402 of the Welfare and Institutions Code is  
13 amended to read:

14 11402. In order to be eligible for AFDC-FC, a child or  
15 nonminor dependent shall be placed in one of the following:

16 (a) The approved home of a relative, provided the child is  
17 otherwise eligible for federal financial participation in the  
18 AFDC-FC payment.

19 (b) (1) The licensed family home of a nonrelative.

20 (2) The approved home of a nonrelative extended family  
21 member as described in Section 362.7.

22 (c) A licensed group home, as defined in subdivision (h) of  
23 Section 11400, excluding a runaway and homeless youth shelter  
24 as defined in subdivision (ab) of Section 11400, provided that the  
25 placement worker has documented that the placement is necessary  
26 to meet the treatment needs of the child and that the facility offers  
27 those treatment services.

28 (d) The home of a nonrelated legal guardian or the home of a  
29 former nonrelated legal guardian when the guardianship of a child  
30 who is otherwise eligible for AFDC-FC has been dismissed due  
31 to the child’s attaining 18 years of age.

32 (e) An exclusive-use home.

33 (f) A housing model certified by a licensed transitional housing  
34 placement provider as described in Section 1559.110 of the Health  
35 and Safety Code and as defined in subdivision (r) of Section 11400.

36 (g) An out-of-state group home, provided that the placement  
37 worker, in addition to complying with all other statutory  
38 requirements for placing a minor in an out-of-state group home,  
39 documents that the requirements of Section 7911.1 of the Family  
40 Code have been met.

1 (h) An approved supervised independent living setting for  
2 nonminor dependents, as defined in subdivision (w) of Section  
3 11400.

4 (i) This section shall become operative on July 1, 2012.

5 SEC. 9. (a) Section 6.5 of this bill incorporates amendments  
6 to Section 727 of the Welfare and Institutions Code proposed by  
7 both this bill and Assembly Bill 787. It shall only become operative  
8 if (1) both bills are enacted and become effective on or before  
9 January 1, 2014, (2) each bill amends Section 727 of the Welfare  
10 and Institutions Code, and (3) this bill is enacted after Assembly  
11 Bill 787, in which case Section 6 of this bill shall not become  
12 operative.

13 (b) Section 7.5 of this bill incorporates amendments to Section  
14 11400 of the Welfare and Institutions Code proposed by both this  
15 bill and Assembly Bill 787. It shall only become operative if (1)  
16 both bills are enacted and become effective on or before January  
17 1, 2014, (2) each bill amends Section 11400 of the Welfare and  
18 Institutions Code, and (3) this bill is enacted after Assembly Bill  
19 787, in which case Section 7 of this bill shall not become operative.

20 SEC. 10. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.